

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x
:
UNITED STATES OF AMERICA
:
-v.-
:
IRVING STITSKY,
:
Defendant.
:
- - - - -x

ORDER OF RESTITUTION
S1 06 Cr. 357 (KMW)

WHEREAS, on or about August 31, 2009, IRVING STITSKY ("the defendant"), was charged in an five-count Superseding Indictment S1 06 Cr. 357 (KMW) (the "Indictment") with conspiracy to commit securities fraud, wire fraud and mail fraud, in connection with his participation in a scheme to solicit funds from investors, from in or about January 2003 through on or about March 27, 2006, in violation of Title 18 U.S.C. § 371 (Count One); with securities fraud, in connection with his participation in a scheme to defraud purchasers of a CCP-LLC Units, from in or about January 2003 through on or about March 27, 2006, in violation of 15 U.S.C. §§ 78j(b) & 78ff, 17 C.F.R. § 240.10b-5 and 18 U.S.C. § 2 (Count Two); with securities fraud, in connection with his participation in a scheme to defraud purchasers of a CMFI-LLC Units, from in or about January 2003 through on or about March 27, 2006, in violation of 15 U.S.C. §§ 78j(b) & 78ff, 17 C.F.R. § 240.10b-5 and 18 U.S.C. § 2 (Count Three); with wire fraud, on August 11, 2005, based on interstate wire transmissions in furtherance of his frauds, in violation of Title 18 U.S.C. §§ 1343 and 2 (Count Four); and with mail fraud

on June 24, 2005, based on use of the mails in furtherance of his frauds, in violation of Title 18 U.S.C. §§ 1341 and 2 (Count Five);

WHEREAS, on or about November 23, 2009, STITSKY was convicted by a jury of Counts One through Five;

WHEREAS, restitution for the offenses is mandatory pursuant to Title 18, United States Code, Section 3663A;

WHEREAS, the Government has determined that the amounts set out in Attachment A attached hereto as "Loss Amounts" represent the fair and accurate amounts in compensable losses to victims resulting from the offenses described in the indictment, less certain monies paid to the Court's CRIS account, the net of which amounts to \$22,075,631;

WHEREAS, the Government has informed defense counsel of its foregoing determination of the compensable losses to victims resulting from the offenses; and

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that IRVING STITSKY, the defendant, shall make restitution as follows:

1. The defendant shall make payments in the amount of ten percent of his gross monthly income, with payments to begin within thirty days of the date of judgment.

2. All restitution payments made by the defendant shall be payable to the Clerk of the Court, Southern District of New York, to be distributed, on a pro rata basis, to the victims

identified in attached Attachment A, in the amounts identified on each such schedule.

SO ORDERED:
July __, 2010

HONORABLE KIMBA M. WOOD
United States District Judge

ATTACHMENT A

COBALT VICTIM LIST

	<u>First Name</u>	<u>Last Name</u>	<u>Loss Amount</u>	<u>Associated Entity</u>
1	David	Able	\$ 100,000	
2	Phillip	Ackerman	\$ 25,000	
3	Michael	Ambrosino	\$ 100,000	
4	Robert	Anarumo	\$ 100,000	
5	Daniel	Andriano	\$ 42,000	
6	Jack	Auguste	\$ 27,211	
7	Glenn	Axelrod	\$ 25,000	
8	Kenneth	Babcock	\$ 25,000	
9	Michael	Baker	\$ 25,000	
10	John	Bahd	\$ 11,815	
11	Bernardo	Barcelona	\$ 20,357	
12	Marie	Baron	\$ 23,631	
13	David	Bauer	\$ 25,000	
14	Michael	Bauer	\$ 25,000	
15	George	Bayer	\$ 11,814	
16	Norman	Beck	\$ 25,000	
17	Steven	Beck	\$ 50,000	
18	Jeffrey	Belmont	\$ 100,000	
19	Matthew	Benjamin		
20	Marcia	Benjamin	\$ 343,304	
21	Charles	Binstock	\$ 25,000	
22	Michael	Blaymore	\$ 48,963	
23	Rethea	Boone	\$ 4,703	
24	Sam	Borod	\$ 50,000	
25	Ellen	Borod	\$ 47,261	
26	Peter	Brathauer	\$ 100,000	
27	John	Bria	\$ 50,000	
28	M.	Bria	\$ 50,000	
29	David	Brooks		
30	Paula	Brooks	\$ 100,000	
31	Jeffrey	Broome	\$ 48,553	
32	David	Brown	\$ 50,000	
33	Shelley	Brown	\$ 13,705	
34	Jim	Bullock	\$ 12,500	
35	William	Byer	\$ 50,000	
36	Angela	Calcaterra	\$ 25,000	
37	Alex	Canaan	\$ 25,206	
38	Anne	Capasso	\$ 100,000	

	<u>First Name</u>	<u>Last Name</u>	<u>Loss Amount</u>	<u>Associated Entity</u>
39	Felicia	Carco	\$ 12,500	
40	William	Cassidy	\$ 24,310	
41	Frank	Cassisi	\$ 93,678	
42	Teresa	Cassisi	\$ 27,019	
43	Aniello	Cecora	\$ 12,500	
44	Elaine	Cederberg	\$ 19,395	
45	Scott	Charney	\$ 50,000	
46	Ralph	Chicas	\$ 125,000	
47	Peter	Ciccone	\$ 23,995	
48	Cipco Developers (Newman)		\$ 25,000	
49	Robert	Clark	\$ 36,131	
50	Rick	Clayton	\$ 103,244	
51	Ira	Cohen	\$ 50,000	
52	Jason	Cohen	\$ 12,500	
53	Linda	Cohen-White	\$ 25,000	
54	David	Coren	\$ 50,000	
55	Alan	Cornfield	\$ 250,000	
56	Cynthia	Craig	\$ 33,082	
57	Michael	D'Adamo	\$ 25,000	
58	Frank	D'Adamo	\$ 25,000	
59	Luigi	D'Onofrio		
60	Maureen	D'Onofrio	\$ 60,000	
61	Mitchel	Dancyger		
62	Gale	Dancyger	\$ 25,000	
63	J.P.	De Langre	\$ 100,000	
64	Daphney	Dickenson	\$ 30,000	
65	Susan	Director	\$ 94,523	
66	Peter	Dirkes	\$ 12,500	
67	Sahne	Donovan	\$ 24,768	
68	Allen	Dougherty	\$ 97,260	First Trust Corporation
69	Douglas	Draper		
70	Leann	Draper	\$ 190,000	Draper Family LLP
71	Douglas	Draper		
72	Leann	Draper	\$ 135,000	Draper Family Trust
73	Nick	Drossos		
74	Kathleen	Drossos	\$ 60,000	
75	Jay	Dworkin	\$ 25,000	
76	Howard	Dworkin	\$ 25,000	
77	Perry	Dworkin	\$ 60,000	
78	Suzanne	Dyer	\$ 120,245	
79	Ronald	Edwards	\$ 11,816	
80	Wayne	Eisen		
81	Cindy	Eisen	\$ 12,500	

	<u>First Name</u>	<u>Last Name</u>	<u>Loss Amount</u>	<u>Associated Entity</u>
82	S. Marcia	Ellgman	\$ 25,000	
83	Alfred	Elsner	\$ 18,083	FBO Windsor Chemicals Profit Sharing Plan
84	David	Elsner	\$ 14,890	
85	Jonathon	Elsner	\$ 14,890	
86	Joyce	Even	\$ 34,076	
87	Mark	Even	\$ 25,774	
88	E.W. Gordon Pension Plan		\$ 66,500	
89	Melvin	Febesh		
90	Theda	Febesh	\$ 50,000	
91	Ronald	Feldman	\$ 100,000	
92	Glenn	Feldman	\$ 11,815	Furrows Development Corp
93	Benjamin	Ferrara	\$ 50,000	
94	Francie	Filmore	\$ 46,931	
95	Leon	Fletcher	\$ 10,000	
96	Jeanne	Fontana	\$ 50,000	
97	Luis	Forte	\$ 59,755	
98	Jonathan	Foster	\$ 40,000	
99	Robert	Freericks	\$ 50,000	
100	Wayne	Galvin	\$ 29,815	
101	Robert	Gaudet	\$ 25,000	
102	Esperanza	Gavilla	\$ 38,465	
103	Esperanza	Gavilla	\$ 11,535	
104	Robert	Geier	\$ 94,523	Jamma Four LLC
105	Ruth	Geier	\$ 30,000	
106	Michael	Giller	\$ 25,000	
107	Michael	Giller	\$ 50,000	Bretcor Associates Inc. Defined Benefit Pension Plan
108	Richard	Glass	\$ 11,815	
109	Robert	Goldstone	\$ 131,000	
110	Joel	Golub	\$ 23,631	
111	Arthur	Goodman		
112	Ariene	Goodman	\$ 100,189	
113	Frank	Granati		
114	Victoria	Granati	\$ 50,000	
115	Phillip	Granati	\$ 25,000	
116	Helen	Gruber	\$ 150,000	
117	Stanley	Gruber	\$ 318,000	
118	Suzanne	Guerrier	\$ 12,500	
119	Ashok	Gupta	\$ 13,000	
120	Ino	Halegua	\$ 500,000	
121	Brian	Halprin	\$ 12,500	
122	John	Hammer	\$ 47,260	

	<u>First Name</u>	<u>Last Name</u>	<u>Loss Amount</u>	<u>Associated Entity</u>
123	Paul	Hammer	\$ 23,631	
124	Richard	Hand		
125	Lois	Hand	\$ 25,000	
126	Richard	Hao-Hsiang Liaw	\$ 100,000	
127	George	Hara	\$ 25,000	
128	Edward	Harra	\$ 25,000	
129	Louis	Healy	\$ 25,000	
130	Evan	Heller	\$ 12,500	
131	Harry	Hersh	\$ 25,000	
132	Patricia	Heuberger	\$ 58,595	
133	Gary	Hickman	\$ 50,000	
134	Rose	Hightower	\$ 12,500	
135	Kenneth	Hogan		
136	Ellen	Hogan	\$ 248,803	
137	Steven	Horowitz	\$ 25,000	
138	Mary	Humfelt	\$ 750,000	Falifax Inc.
139	Eero	Hyvonen	\$ 94,521	OKT Realty Trust
140	Sanjay	Israni		
141	Sanjiv	Sahni	\$ 46,651	
142	Dennis	Iulucci	\$ 25,000	
143	Kurt	Jacobson	\$ 12,692	
144	S.	Jaffri	\$ 12,500	
145	Greta	Jenkins		
146	Cory	Jenkins	\$ 12,500	
147			\$ 23,631	JP Partners
148	Harriet	Kagan	\$ 50,000	
149	Ronald	Kaplan	\$ 25,000	
150	Steven	Kauff	\$ 60,000	
151	Paul	Kaye	\$ 194,521	
152	Kaylor Enterprises LLC		\$ 25,000	
153	Thomas	Kennedy	\$ 98,997	
154	Robin	Kernitzky	\$ 12,892	
155	Jeremy	Kessler	\$ 25,000	
156	James	Kiltie	\$ 46,932	
157	S. Dana	Kimball	\$ 50,000	
158	Bruce	Klein	\$ 23,150	
159	Carol Ann	Klemm	\$ 25,000	
160	James	Kouzoukian	\$ 11,815	
161	Harley	Kravitz	\$ 47,260	
162	David	Krokoff	\$ 25,000	
163	Sandy	Krulak	\$ 47,262	
164	Charles	Kutch	\$ 50,026	
165	Scott	Lander	\$ 100,000	Youngs Garden Gift and Pond Inc.

	<u>First Name</u>	<u>Last Name</u>	<u>Loss Amount</u>	<u>Associated Entity</u>
166	Andrew	Langer	\$ 25,000	
167	Peter	Lavi	\$ 50,000	The Colonial Group
168	Barry	Liebowitz	\$ 86,500	
169	Robert	Leisten	\$ 23,631	Diagnostic Foot Specialists Profit Sharing Plan
170	Robert	Leisten	\$ 23,630	Diagnostic Foot Specialist/Money Purchase Pension Plan FBO
171	Robert	Libby	\$ 23,631	
172	Mark	Lisch	\$ 47,260	Diagnostic Foot Specialists MPP
173	Joseph	Lopez	\$ 25,000	
174	Herbert	Lowenthal	\$ 20,000	
175	Charles	Lubetkin	\$ 255,000	W & L Associates LLC
176	Louis	Luft	\$ 12,500	
177	William	Lynch	\$ 12,500	
178	Arvinder	Mahil		
179	Aminderpal	Singh	\$ 25,000	
180	Clifford	Maldow	\$ 15,000	
181	Howard	Manney	\$ 47,262	
182	Christopher	Manuel	\$ 100,000	
183	Sahne	Mara	\$ 100,000	
184	A	Marcus	\$ 12,500	
185	George	Marks	\$ 225,000	
186	Salvatore	Marra	\$ 300,000	
187	Angela	Marse	\$ 48,388	
188	Matthew	Matza	\$ 25,000	
189	Robert	McCollum	\$ 12,500	
190	Linda	McCollum	\$ 25,000	
191	William Danner	McGuinness	\$ 11,815	
192	Peter	Miklakos	\$ 25,232	
193	June	Miller	\$ 75,453	
194	Steven	Miller	\$ 12,500	
195	Andrea	Minsky	\$ 192,604	
196	Michael	Mistretta		
197	Wendi	Mistretta	\$ 100,000	
198	Richard	Mistretta	\$ 100,000	
199	Thomasz	Miudzik	\$ 44,178	
200	Frank	Molinari	\$ 100,000	
201	James	Molinari		
202	Theresa	Molinari	\$ 300,000	
203	Albert	Montoya	\$ 13,131	
204	Susan	Moore	\$ 200,000	
205	Carl	Moroff	\$ 25,000	

	<u>First Name</u>	<u>Last Name</u>	<u>Loss Amount</u>	<u>Associated Entity</u>
206	Carl	Morrow	\$ 24,310	
207	Joseph	Moshe	\$ 23,997	
208	Michael	Moutal	\$ 47,701	Lady Aster Foundation
209	John	Mullan	\$ 27,888	
210	Abbie	Naff	\$ 107,000	
211	Roy	Nardin	\$ 25,000	
212	Robert	Nelson	\$ 25,000	
213	Samson	Newman		
214	Lorada	Newman	\$ 47,261	
215	George	Noon	\$ 97,262	
216	Stan	Norwalk	\$ 75,000	
217	Neil	Novak	\$ 50,000	
218	Marcia	November	\$ 27,458	
219	James	O'Hare	\$ 250,000	Lafayette Financial LLC
220	Terry Keller	O'Hare	\$ 65,000	
221	Atsuko	Okabe	\$ 25,395	
222	Avi	Oster	\$ 1,194,522	Oster Properties
223	Ann	Oster	\$ 700,000	
224	Marla	Olivera	\$ 85,000	
225	Kiran	Pandya	\$ 23,631	
226	Irene	Papacosta	\$ 3,474	
227	Irene	Papacosta	\$ 9,100	Tula, Inc.
228	Louis	Pappas	\$ 2,000,000	
229	Linda	Parker	\$ 25,000	
230	Jiten	Patel	\$ 11,816	
231	Parful	Patel	\$ 11,815	Best Cleaners (Charu Inc.)
232	Stephen	Patino	\$ 200,000	
233	Perry	Perzov	\$ 50,000	
234	Bruce	Peterson	\$ 25,000	
235	Adele	Phillips	\$ 50,000	
236	Paul	Phillips	\$ 50,000	
237	Kevin	Pietramala	\$ 25,000	Pietra Estates, Inc.
238	Abraham	Pouladian		
239	Delara	Pouladian	\$ 300,008	
240	Todd	Prigal	\$ 300,000	
241	Klaus	Prinz	\$ 23,000	
242	Stephen Dirk	Pulliam	\$ 50,000	
243	Larry	Raisfeld		
244	Carol	Raisfeld	\$ 23,202	
245	Gary	Rand	\$ 50,000	Harry Stone Trust
246	Vincent	Raro	\$ 130,000	
247	Lisa	Ravella	\$ 25,000	
248	Ronald	Reed	\$ 25,000	

	<u>First Name</u>	<u>Last Name</u>	<u>Loss Amount</u>	<u>Associated Entity</u>
249	Allen	Resnick	\$ 50,505	Lifetime Trust
250	Andrew	Resnick	\$ 171,661	
251	Sheila	Resnick	\$ 50,000	Lifetime Trust
252	Solomon	Ripstein	\$ 24,312	
253	Robert	Rizzuti	\$ 12,500	
254	Howard	Robson	\$ 20,191	
255	Stan	Roher	\$ 100,000	
256	Alan	Rosen	\$ 25,000	
257	Brett	Rosen	\$ 25,000	
258	Kevin	Rosen	\$ 25,000	
259	Sandra	Rosen	\$ 200,000	Trylon Realty DBP
260	Sandra	Rosen	\$ 25,000	
261	Michael	Rosenfeld	\$ 50,000	
262	Marvin	Rothenberg	\$ 200,000	
263	David	Rubenstein	\$ 25,000	
264	Neil	Salins	\$ 42,500	
265	Kenneth	San Pedro	\$ 46,500	
266	James	Sandison	\$ 12,500	
267	Maryanne	Santorella	\$ 23,150	
268	Paul	Sarote	\$ 25,000	
269	Ernest	Sartain	\$ 50,000	
270	Christopher	Savine	\$ 93,781	
271	Steve	Sazegari	\$ 24,810	
272	Felicia	Scala	\$ 25,496	
273	Donald	Scanlon	\$ 25,000	
274	Paul	Schell	\$ 102,455	
275	Eric	Schneider	\$ 35,000	To the Max, Inc.
276	Lloyd	Schumann	\$ 12,500	
277	Jeffrey	Schwartz	\$ 100,000	
278	Riva	Schwartz	\$ 25,000	
279	David	Schweid		
280	Jamie	Schweid		
281	Bradley	Schweid	\$ 94,522	
282	Clifford	Schwimmer		
283	Fay	Schwimmer	\$ 25,000	
284	Phyliss	Segal	\$ 30,000	
285	Barry	Segal	\$ 100,000	Ecology, Inc.
286	Gary	Segal		
287	Susan	Segal	\$ 50,000	
288	Janie Tyler	Sellers	\$ 50,000	
289	Joan	Shafran	\$ 23,630	Joseph Shafran Trust DTD 12-5-78
290	Joseph	Shafran	\$ 23,631	Paran Equities Company
291	Devorah	Shalev	\$ 23,631	

	<u>First Name</u>	<u>Last Name</u>	<u>Loss Amount</u>	<u>Associated Entity</u>
292	Elizabeth	Shew	\$ 94,522	Premier Real Estate Ventures
293	Kraig	Silver	\$ 25,000	
294	Alan	Silvers	\$ 50,000	
295	Florence	Simon	\$ 11,815	
296	Amy	Skiles	\$ 12,500	
297	Sophie	Slobodien	\$ 25,000	
298	James	Speer	\$ 87,996	
299	Michael	Sperry	\$ 25,000	PGI Holdings, LLC
300	Sandra	Sperry	\$ 75,000	
301	Ilene	Staniszewski	\$ 25,000	
302	Howard	Starr	\$ 50,000	
303	Arthur	Stein	\$ 12,500	
304	Andrew	Steinmann	\$ 75,000	
305	Allan	Stempler	\$ 82,890	
306	William	Stopps	\$ 25,000	SMBP, LLC
307	Barbara	Strampe	\$ 25,000	
308	James	Strano	\$ 12,500	
309	Jay	Strobing	\$ 25,000	
310	Thomas	Sullivan		
311	Gwen	Sullivan	\$ 48,624	
312	Dennis	Sunshine		
313	Francine	Sunshine	\$ 121,750	
314	Jaymee	Sunshine	\$ 45,000	
315	Florin	Sutton	\$ 300,000	
316	Douglas	Szczesny	\$ 11,814	
317	Larue	Taintor		
318	Ruth	Taintor	\$ 25,000	
319	Charles	Thompson	\$ 100,000	
320	Sheila	Tirshfield	\$ 25,051	Tirschfield Family Trust
321	David	Treacy	\$ 40,579	
322		Tublisky	\$ 48,346	
323	Marcy	Tublisky	\$ 20,031	
324	Norbert	Tuseo	\$ 25,000	Tuseo Living Trust
	Norbert	Tuseo	\$ 282,000	
325	Virginia	Upton	\$ 50,000	
326	Marilyn	Urso		
327	Frank	Urso	\$ 25,000	
328	Ted	Vetere	\$ 12,500	
329	Audrey	Vigna	\$ 25,000	
330	Adam	Waldman	\$ 111,717	
331	Karen	Waldman	\$ 13,337	
332	D	Wang	\$ 39,000	

	<u>First Name</u>	<u>Last Name</u>	<u>Loss Amount</u>	<u>Associated Entity</u>
333	Weinfang	Wang	\$ 170,000	
334	Denicia	Watts	\$ 15,926	
335	Donald	Weaver	\$ 12,500	
336	Helen	Weinstein	\$ 16,623	
337	Jane	Weisbrot	\$ 15,000	
338	Mitchell	Weisbrot	\$ 50,000	
339	Thomas	Wellman	\$ 25,000	
340	Karen	Weiner	\$ 12,000	
341			\$ 25,000	
			\$ 12,500	Southwest Insurance Svcs., Inc.
342	Howard	Wilkov	\$ 100,000	
343	Jennifer	Wilkov	\$ 50,000	
344	Marjorie	Wilkov	\$ 50,000	
345	George	Wofford	\$ 24,315	
346	Elsie	Wood	\$ 61,969	
347	Dennis	Xie	\$ 142,637	
348	Laura	Xie	\$ 100,000	
349	Gershon	Yormack		
350	Linda	Yormack	\$ 50,000	
351	Patricia	Zebrowski	\$ 48,151	
352	Martin	Zizi	\$ 12,500	Trinity of Success Club
		TOTAL LOSS	\$ 23,152,235	